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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,834	09/12/2003	John W. Carter	GEN10 P444	7859

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EXAMINER

THOMAS, BRANDI N

ART UNIT	PAPER NUMBER
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2873

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/660,834	Applicant(s) CARTER ET AL.	
	Examiner Brandi N. Thomas	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14-30, 32-52 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 14, 15, 22-30, 34-52 and 54 is/are allowed.
- 6) ☒ Claim(s) 16-21, 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 103.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-21, 32, and 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pastrick et al. (6276821 B1) as applied to claim 1 above, and further in view of Schofield et al. (5786772).

Regarding claim 16, Pastrick et al. discloses, in figures 21-23, a light module for a vehicle rearview mirror assembly, said light module comprising: a door illuminator (30) configured to project light at a portion of a door of the vehicle (col. 6, lines 54-55 and col. 8, lines 27-52) but do not specifically disclose a blind spot indicator light source for indicating when an object is detected in a blind spot of the vehicle. Schofield discloses a blind spot indicator light source (20) for indicating when an object is detected in a blind spot of the vehicle (col. 3, lines 17-22). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Pastrick et al. with the blind spot indicator of Schofield for the purpose of allowing the driver to recognize another vehicle in the blind spot (col. 3, lines 17-22).

Regarding claim 17, Pastrick et al. discloses, in figures 21-23, a light module for a vehicle rearview mirror assembly, wherein said light module includes at least one LED device

that is selectively actuated to function as both said blind spot indicator (216) and said door illuminator (30) (col. 13, lines 62-66).

Regarding claim 18, Pastrick et al. discloses, in figures 21-23, a light module for a vehicle rearview mirror assembly, further including a deviator for redirecting a portion of the light emitted from said at least one LED device towards the eyes of a driver of the vehicle for blind spot indication (col. 7, lines 55-67 and col. 8, lines 1-5).

Regarding claim 19, Pastrick et al. discloses, in figures 21-23, a light module for a vehicle rearview mirror assembly, further comprising a reflector disposed relative to said at least one LED device to direct light emitted from said at least one LED device in a desired direction, said deviator being a facet in said reflector (col. 14, lines 39-43).

Regarding claim 20, Pastrick et al. discloses, in figures 21-23, a light module for a vehicle rearview mirror assembly, wherein said at least one LED device emits effective white light when operating in a door illumination mode and emits light of a different color when operating in a blind spot indicator mode (col. 7, lines 41-44 and col. 8, line 67 and col. 9, line 1).

Regarding claim 21, Pastrick et al. discloses, in figures 21-23, a light module for a vehicle rearview mirror assembly, further including a turn signal light (32) (col. 8, lines 66-67 and col. 9, line 1).

Regarding claim 32, Pastrick et al. discloses, in figures 21-23, a light module for a vehicle rearview mirror assembly, said light module comprising: a turn signal light source (32a) (col. 8, line 66 and col. 9, line 1) but does not specifically disclose a blind spot indicator light source for indicating when an object is detected in a blind spot of the vehicle. Schofield discloses a blind spot indicator light source (20) for indicating when an object is detected in a

blind spot of the vehicle (col. 3, lines 17-22). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Pastrick et al. with the blind spot indicator of Schofield for the purpose of allowing the driver it recognize another vehicle in the blind spot (col. 3, lines 17-22).

Regarding claim 33, Pastrick et al. discloses, in figures 21-23, a light module for a vehicle rearview mirror assembly, further comprising a reflector disposed to direct light emitted from said turn signal light (col. 14, lines 39-43) but does not specifically disclose a blind spot indicator light source for indicating when an object is detected in a blind spot of the vehicle. Schofield discloses a blind spot indicator light source (20) for indicating when an object is detected in a blind spot of the vehicle (col. 3, lines 17-22). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Pastrick et al. with the blind spot indicator of Schofield for the purpose of allowing the driver it recognize another vehicle in the blind spot (col. 3, lines 17-22).

Allowable Subject Matter

3. Claims 1-10, 14, 15, 22-30, 34-52, and 54 are allowed.
4. The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 1, 14, 22, 34, 38, 42, and 54, wherein the claimed invention comprises, in claims 1 and 22, wherein the door illuminator light source is disposed behind said mirror so as to project light through said mirror; in claim 14, a reflector having at least two reflector cups,

wherein each LED device is associated with one of the reflector cups; in claim 34, a turn signal indicator comprising a first, second, and third light source that are sequentially activated; in claim 38, wherein a turn signal indicator disposed in said mirror housing, said turn signal indicator comprising a first light source, a second light source, and a third light source, that are sequentially activated; in claim 42, wherein a first light source disposed proximate said mirror element, said first light source being operable in a first lighting mode in response to a first activation signal, and in a second lighting mode in response to a second activation signal; in claim 54, wherein said turn signal light and said blind spot indicator light are positioned behind said mirror so as to project light through said mirror, as claimed.

Response to Arguments

5. Applicant's arguments filed 9/4/07 have been fully considered but they are not persuasive. Regarding claim 16, the applicant argues that the Pastrick et al. and Schofield et al. do not disclose a light module. In response to applicant's arguments, "the recitation a light module" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N. Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandi N Thomas
Examiner
Art Unit 2873



BNT
November 20, 2007



Scott J. Sugarman
Primary Examiner